File No. 946

1936.

Collection No.

W

20

QB Mas
8/7/47 11/7

Mysore Residency,

Bangalore.

Sls 3, 4, 5, 8, 9-10

Pros. Serial Nos. 1 - 11

Subject.

Application of the Trades Unions Act 26 to the Cantonment of Bangalore.

Previous References.

Later References.

RF 90-47

1 A

18/12/45 AU 19/12

S. 97.—(Blue).

MFP—1367 S&P—(M-1907)—8-3-34—20,000.

Items 1–6
of office
Will desk
Poly
c 9/11/84

NOTES AND PRECIS.

7 It appears to be necessary further to examine the question. In the absence of a definite recommendation from the District Magistrate, no definite answer can be given off hand to the Government of India. If approved, they may be informed that the matter is under examination, and that final proposals would be forwarded early.

8 Draft telegram is submitted for approval

A.S.Rao
17.9.36

(from para 6)

Secretary

9 I think we should ask for 9-9 I. know how the question stands - I have prepared a draft Confidential Telegram, which might issue from C.B. if approved. (Dist. Mgt. may be informed action taken)

Tone
17.9.36

Telegram
10 Telegram may issue. Show issued from C.B.

Issued
18/9
17/9/36

Home Dept. 18.9.36

Tone
18/9

S. N. (7) issue

The file may be sent u/o. (confidentially) to District Magistrate, for information, with reference to para 9.

AsRao
23.9.'36

24-9-36.

To

L. J. Maclure Esq. I.C.S. District Magistrate, Bangalore

U. O. F. No. 946-36 dated the 24th September 1936.

12 Seen and returned with Marks.

30/9/36

Secy & Resident
U.O.

P.W.C
Ca f 12

Dy.No.9275 S.N. 8

13 No action is necessary. May be filed.

AsRao
2.10.'36

2.10.36

(para 13)

Submit

spoken.
AsRao
5/X/36

P.u.c
Cor p. 13
14

* S.N. 6
Cor p. 7

y (P.u.c)
S N 9

Dy.No. 9376 S.N. 9

District Magistrate in his letter dated the 16th September had said that he was not in a position to make a definite recommendation yet. In the subsequent letter he finally says that the question should be deferred until decisions are reached on the question of retrocession, as otherwise complications embarrassing to the Durbar might arise. Submitted for orders whether the question must be deferred, as proposed, or it should be examined now.

AsRao
10.x.1936

(para 14)

Secretary.

15 Ld must reply to the 9-9 I. Ld should inform them of the views of the various Govts consulted; and our own recommn should, I think, be that the Act should not be applied at present for the reasons given by Dist Regr. Please let me see a draft (after making any further enquiries that may be necessary.

Lowe
12.10.36

16 Early please.
T.P.
18/12

17 The general scheme of the Trade Unions Act, briefly stated is that a trade union making the necessary application will, on compliance with certain stated conditions, designed to ensure that the union is a bona fide trade union and that adequate safeguards are provided for the right of its members, be entitled to registration and the resultant recognition and conferment of a legal status. The union and its members will thereupon receive protection in certain cases in respect both of criminal and civil liability. The primary object of the Act is to give relief to trade unions in certain clearly defined directions.

18 The enactment of the Trade Unions Act in British India has had a long history behind it. The out-break of industrial unrest on a large scale was a feature of the period succeeding the close of the War. Public attention began to be focussed on repeated dead-locks and frequent disputes. The necessity began to be felt of devising means to regulate the inarticulate and multifarious demands of the labourers, and in 1921 a resolution was passed in the Legislative Assembly recommending the passing of an Act on the lines of the English Trade Union legislation. The Government of India and the Local Governments bestowed great attention on the question, and detailed views were invited from associations of both the employers and the employed and the general public. In the light of the opinions received a draft bill was prepared and published three years later, in 1924. After considering the criticisms received on the bill, the Trade Union Act was passed in 1926.

19 It has to be considered what the position is in the Station. The only large industrial establishment here is the Tobacco Factory. Now the Trade Union Act is a labour measure which appears more in the interests of the employees than the

employers. The Local Government might recommend its extension only if there is an insistent demand for it. Neither the labourers nor the press nor the public appear at any time to have seriously urged the introduction of the Act, except on one occasion during the recent strike in the Tobacco Factory. The labourers submitted a memorial to the Hon'ble the Resident praying that the Government be pleased to intervene in the matter and bring about a peaceful settlement. Incidentally they referred in a very feeble manner to their own disability by reason of the absence of the Trade Union Act in the Station; but they concluded by stating that what they immediately required was the intervention of the Government as an arbitrator in the dispute for a speedy and honourable settlement. The provision that could have been invoked in the circumstances was Section 3 of the Trade Disputes Act (which is in force in the Station) and it may be stressed no provision of the Trade Unions Act need have been called into play. Under that Section the Local Government may refer a trade dispute to a Court of Enquiry or to a Board of Conciliation. But this is a provision which appears very sparingly to have been used even in British India. (Mr.V.V.Giri pointed out in the recent Assembly Debate on the Trade Disputes (Amendment) Bill that there were 159 strikes in 1934 and 145 in 1935, and that not more than in five cases the "heavy artillery" of the Trade Disputes Act was used.) The Hon'ble the Resident also declined to intervene and the strikes were informed accordingly. But the existence of a provision enabling settlement of trade disputes is a great boon to the industrial class in a place where, happily, tension is not acute and disputes are few. The only other occasion when the absence of the Trade Unions Act in the Station was complained about was in an interpellation in the Legislative Assembly. Please see Cor.Page 85 in File 735-36.

The Civil and Military Station, Bangalore, is not a large

× S.N 2 / Cor p.3 / F.735-36 (K)

y at page 6 -

θ S.N 5 (S) / F 139-1929

† Act VII of 1929.

θ S.N. 6 / Cor p.30 / F.735-36 (K)

2 (K)

industrial centre, and it appears that the Trade Disputes Act is sufficient to serve the interests of labour, and that need has not been felt or urged for the introduction of the Trade Union Act. Though the two Acts constitute a complete code of trade union law, they do not appear to be so mutually interdependent that the Trade Disputes Act cannot exist without the Trade Union Act. The District Magistrate also is not in favour of its immediate application, and recommends that the question of its introduction may be deferred until decisions are reached on the question of retrocession. If approved, the Government of India may be addressed on these lines.

(P) * S.N. 9 / Con. p 13

Draft is submitted for approval.

21

AsRao
18.1.37

(from para 15)

Secretary. (on return)

25.1.37

Issue
1/2/1

5.4.(11): Issue

Await.

Record

CORRESPONDENCE.

S.N.I.

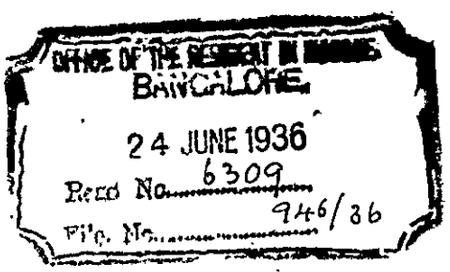
No.F.25(2)-I.B./36.

From

The Deputy Secretary to the Government of India
in the Foreign and Political Department,

To

The Hon'ble the Resident in Mysore.



Dated Simla, the 20th June 1936.

Strike in the Bangalore Tobacco Factory.

Sir,

I am directed to invite your attention to the article on the above subject, which appeared in the "Statesman", Delhi, dated the 25th May 1936, (copy enclosed) in paragraph 3 of which a reference is made to the application of the Trade Unions Act and Trade Disputes Act to the Civil and Military Station of Bangalore. The latter act was applied to Bangalore vide Government of India, Foreign and Political Department, Notification No. 585-I, dated 26th September 1929, but the former does not appear to have been so applied. I am therefore to enquire whether it is considered necessary to apply the Indian Trade Unions Act, 1926, to the Civil and Military Station of Bangalore, and if so, to request that the necessary draft notification may kindly be forwarded.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Secretary to the Government of India.

Copy of an article from the "Statesman", Delhi, dated the 25th May 1936.

BANGALORE STRIKE.

Government asked to intervene.

Bangalore, May 20. The Bangalore tobacco factory strikers have submitted a memorial to the British Resident in Mysore asking for Government intervention with a view to bringing about a peaceful settlement.

The memorial states that 3,000 employees of the factory are on the verge of starvation and among them are severl who were injured in the clash with the police and Punjabi watchmen. The memorial refers to the failure of negotiations with the management and asks for the intervention of the Government as an "impartial arbitrator" in the dispute.

The memorialists state that they are at a disadvantage as they have no legislative protection such as that afforded by the Trades Union Act and the Trades Disputes Act which are in force in British Indian provinces. They state that this is a defect which the Government can easily rectify by having those Acts extended to the Bangalore civil and military station by notification.

S. N. 2

Res. Mysore 39.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 21st July 1936.

Issued 21-7-36. Issue. AsRao 13/7.

No. F. 946-36 / R. O. T

A copy of the undermentioned paper(s) is forwarded to the Collector and District Magistrate, Civil and Military station Bangalore, with the request that he will kindly furnish his views on the subject, together with the draft of a Notfn. if one is considered necessary.

for information, ~~in continuation of / with reference to~~ the correspondence ending with his Memorandum / Letter / endorsement from

No. dated the

By order, etc.

13/7

for Secretary / Asst Secy. to the Resident.

LIST OF PAPERS.

× S. N. 1. (P. to C.)

Letter from the Government of India, Foreign and Political Department, No F. 25-(2)-I. B./36 dated the 20th June 1936, and enclosure.

AsRao 10.7.1936.

1621—2-4-1935—2,000—RPB.

Immediate — Mr. S.A. Secy. 16.9.36

No. 2627-B-36.
Encl: 1.

S. N. 6

OFFICE OF THE DISTRICT MAGISTRATE,
CIVIL AND MILITARY STATION, BANGALORE

Dated 16th September 1936.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
16 SEPT. 1936
Regd. No. 9132
File. No. 946-36

FROM

L.J.MacIver Esq.,I.C.S.,

DISTRICT MAGISTRATE, CIVIL AND MILITARY STATION,

BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

APPLICATION OF THE INDIAN TRADE UNIONS ACT 1926
TO THE CIVIL & MILITARY STATION,BANGALORE.

Ref : Your No.946-36/R.O.I.dated 21-7-36 & 15-9-36.

S.N.2
Cor. p. 3.

The question was referred to the management of the Tobacco Factory, the only large industrial establishment in the Station. I enclose a copy of the Manager's reply. The matter is also under reference to the Bangalore Trades Association whose reply has not yet been received.

2) I am therefore not in a position to make a definite recommendation at present. But I may say that I do not consider that the argument put forward by the Tobacco Factory management against the introduction of the Trade Unions Act is one that would appeal with any force to the Government of India. It is no doubt true that the Tobacco Factory can get along quite well without it, and that the interests of their labour force are probably adequately safeguarded under present conditions, but the argument that its enactment might lend itself to abuse of its provisions, is not an argument that can be used successfully against modern legislation of this kind.

3) The Act is in force I understand in the Madras Presidency, and other major Presidencies, and this alone should form an adequate ground for its introduction into the Civil and Military Station, were the question not complicated by constitutional changes now under consideration. In the event of retrocession the Tobacco Factory would no doubt be within Mysore State limits, where the Act is not in force. This I think should form an adequate ground for deferring its introduction until the question of retrocession is decided.

4) In the circumstances I am unable at present to make a definite recommendation. ~~Further~~ Neither do I think that the mere fact that a question on the subject is pending in the Legislative Assembly should be allowed to be the cause of a hasty recommendation either for or against the measure. "The matter is under consideration" should I think in the circumstances form a sufficient answer.

I have the honour to be,
S i r,
Your most obedient servant,

DISTRICT MAGISTRATE.
16/9.

Letter dated the 21st August 1936, from the Factory Manager, Tobacco Manufacturers (India) Ltd., Bangalore.

THE TRADE UNIONS ACT, 1936.

I am of the opinion that with the Trade Dispute Act already in force in the Civil and Military Station, there should be no need to introduce the Trade Unions Act.

A Union which is managed badly can easily be a hindrance to employers and at the same time give no assistance to employees for which they are called upon to subscribe.

The average employee in a factory would fail to understand the essential objects of a Union, but he would probably be persuaded to join in order to raise enough funds to keep the Union in existence.

If it was certain that Unions would be run by men solely interested in the welfare of those connected with the business it would probably be advantageous to all, but if there is any doubt I do not think there can be any object in applying the Act to the Civil and Military Station.

COPY.

M. Ecclesfield
16-9-36
SHERISTADAR.

16/9

S. N. 7

(10

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft ~~Letter~~ ~~Memorandum~~ ~~Telegram~~ Confidential

Class for telegrams | Ordinary | Express | Urgent* | Priority | Clear Line† | *Only for Foreign Telegrams. | †Not for Foreign Telegrams.

No. Dated 19 .

No. 16/1936.

18-9-36

To.

Inspector General of Police Simla

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading:	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	S.N.5 Corpl
List of enclosures	

(Code word for telegrams.)

Your Telegram of 15th Sept: No. 799 I.B.

2 Question of applying Trades Union Act is under consideration in consultation with local trade interests. District Registrar has not yet received reply from Bangalore Traders Association and is therefore not yet in position to make any definite recommendation.

3 From our own point of view one objection to application of Act is. There no such

Issued. lh 18.9.36

S.5.
MGIPC—S1-2158(Genl)MFP—(M-1933)—3-3-34—50,000 Pads.

legislation exists in Mysore State and as tobacco factory is situated in area to be restored to Mysore in event of retrocession application of Act would be subject complication for both parties.

I do not think that fact that question is pending in Assembly should be allowed to influence us to hasty recommendations either for or against the measure and I suggest reply be given that question of necessity for application of Act is under consideration.

Resident

Coorg 18/9

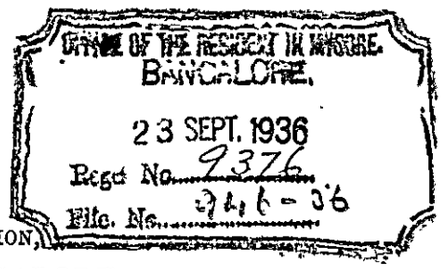
S.N. 9

(13

No. 2627-B-36.
Encl: 1.

Office of the Collector and Dt. Magistrate,
Civil and Military Station, Bangalore.

Dated 21st September 1936.



FROM

L.J.MacIver Esq.,I.C.S.,
COLLECTOR ~~AND DISTRICT MAGISTRATE~~,
CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

Application of the Indian Trade Unions Act, 1926 to the Civil and Military Station, Bangalore.

Ref: Your No.946-36/R.O.I.dated 21-7-36.

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x S.N. 6 Corr. 7. (P)

In continuation of my letter No.2627-B-36 dated 16-9-36, I forward herewith, copy of a letter received from the Hony. Secretary, Bangalore Trades Association.

I consider that the question of the introduction of the Trade Unions Act should be deferred until decisions are reached on the question of retrocession; otherwise complications embarrassing to the Durbar might arise.

I have the honour to be,
S i r,
Your most obedient servant,

COLLECTOR.

Letter dated the 18th September 1936, from the Hony. Secretary, Bangalore Trades Association, 17-A, South Parade, Bangalore, to the Collector and District Magistrate, C & M. Station, Bangalore.

RE: TRADE UNIONS ACT, 1926 - EXTENSION TO THE STATION.

With reference to your letter No.2627-B-36 dated the 24th ultimo and your reminder dated the 14th instant, I have the honour to inform you that this matter has been carefully considered at a meeting of this Association held on the 15th instant. We are of the opinion that as the Trade Disputes Act now in force in the Station is quite sufficient to serve the interests of labour, we feel that the introduction of the Trade Unions Act, 1926, is unnecessary.

COPY.

M. Seethapathy
21-9-36

SHERISTADAR.
21-9-36.

Dy 21/9

No.F.946-36
R.O.I

From

The Hon'ble Lieut. Colonel C.T.C. Plowden, C.I.E.,
Resident in Mysore.

To

The Political Secretary to the Government of India,
Foreign and Political Department.

Issued MP 4-2-37.

Dated Bangalore, the 4th February 1937.

QUESTION OF APPLYING THE TRADE UNIONS ACT TO THE CIVIL AND MILITARY STATION OF BANGALORE.

Sir,

I have the honour to refer to the correspondence ending with letter from the Government of India, Foreign and Political Department, No.F.25(2)-IB/36, dated the 8th December 1936, and to say that I do not consider it necessary to apply the Indian Trade Unions Act, 1926, to the Civil and Military Station of Bangalore.

2. The Station is not a large industrial centre; and I am of the opinion that the Trade Disputes Act, which is in force in the Station, is sufficient to serve the interests of labour. Nor has there been any insistent demand for the extension of the Trade Unions Act either from the workers, the press or the public. During the recent strike in the Tobacco Factory, which is the only large industrial establishment in the Station, the workers submitted a memorial to me asking for the intervention of the Government as an impartial arbitrator for bringing about a settlement. They incidentally stated that they were suffering from a disadvantage in that the Trade Unions Act was not in force in the Station, and that this could be rectified by its extension. But they did not press the point either then or at any time subsequently.

3. The views of the Management of the Tobacco Factory and of the Bangalore Trades Association have been invited. They are of opinion, and the District Magistrate endorses their view, that there is no need for the extension of the Act to the Station.

4. Another objection to the extension of the Act at present is, as briefly stated in my telegram to the Government of India, No.16/36 dated the 18th September 1936, that as retrocession of a portion of the Station to the Mysore Darbar is under contemplation, and as the Tobacco Factory is situated in an area which is proposed to be retroceded to Mysore, where the Act is not in force, the application of the Act at the present time might give rise to embarrassing complications.

I have the honour to be,

Sir,

Your most obedient servant,

o/c

Lieut. Colonel,
RESIDENT.

KS.